

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BESSEMER DIVISIONCIVIL ACTION NUMBER: W 07-40FILED IN OFFICE  
BESSEMER DIVISION

LARRY AARON, HELEN ABERCROMBIE, GERALD ALDRICH, MINNIE ALDRICH, TERRY ALEXANDER, REVA BROWN-ALLEN, CARL ANDERSON, ELLA ANDERSON, LYDIA ANDERSON, PHILIP ANDERSON, SHARON ANDERSON, ESTELLA ARMSTEAD, BEATRICE ASKEW, JAMES L' AUSTIN, ROBERT BAKER, BONITA BAKER, BEVERLY BANKS, CLARA BASSETT, THOMAS BASWELL, DARLENE BARKLEY, MARGARET BEARD, ANGELA BECKWOOD, JESTINER BELL, PEARL BELL, ANNIE BELL, REUBEN BELL, JR, JOHN BENDER, LOTTIE BENNETT, EMILY BIBBS, JOHN BLEDSOLE, PATRICIA BOGGAN, CELIA BOYKINS, WILLIE C BRADLEY, SYLVIA BRILL, JOHN T BROOKS, SHERRY BROOKS, ANNETTE BROWN, DOROTHY BROWN, INELL BROWN, LINDA BROWN, ROBERT BROWN HARRIETT BROWN, SHIRLEY BROWN, LILLIE L BRUCE, GWENDOLYN BRYANT, JOSEPH A BURGESS, PAULINE DAVIS BURKES, CHRISTINE BURRELL, KAREN BURRELL, LENA BURROUGHS, ROBERT BURROUGHS, MICHAEL BURTON, DIANE BUTLER, NATHAN BUTLER, SUSAN BUTTERWORTH, SHIRLEY BYNAM, DENISE BYRD, LOUISE BYRD, LLOYD LEO CAIN, BEVERLY CAMERON, GEORGE CAMERON, ROBERT CAMPBELL, GLENDA CAMPBELL, SHADRACH CAMPBELL, HILDA CARGILE, JEANNIE CARGILE, PAUL CARGILE, LORI CARR, GREGORY CARTER, JAMES CHAMBLISH, LOTTIE CHAMBLISH, MARVIN CHATMAN, TIMOTHY CHAVERS, MARYBETH CHILDS, ALVIN CIERS, MYRICKS CLARK, RHODENA CLEMONS, ROBERT L COLLIER, TALVETA COLLIER, LEROY CONNELL, ANNETTE CONNELL, LONNIE COOPER, RONALD COOPER, AARON COTTON, SR, JERRY COX, SHELBY COX, MALCOM CRAIG, CELESTE CRAVER, CAROL CRAWFORD, DEBORAH CULPEPPER, JOHN CULPEPPER, MELINDA CULPEPPER, LUCILLE CURRINGTON, BOYD DABBS, STACEY DANIELS, INEZ DAVIS, MATTIE DAVIS, TERITHA DEDRICK, O C DEVERIDGE, DOROTHY DEVERIDGE, JEFFREY DRAKE, BETTY DRIVER, BOBBY DUBOSE, LEONA DUNCAN, THOMAS DUNN, MARJORIE EDMONDSON, AMANDA EDWARDS, EVA ELLISON, JACQUELINE ELLISON, CLARA EMBRY, WANDA ENGLAND, WILLIAM C EVANS, CORDELIA FANCHER, GLENDA FORTNER, NETTIE FORTSON, SHIRLEY FOSTER, CLYDE FRANKLIN, MARILYN FRANKLIN, MARY J GAINES, BETTY GAMBLE, BERNARD GARDNER, HENRY GARDNER, RENE GARDNER, GLORIA GARETT, SHIRLEY GARRETT, WAYNE GARRIS, WAYNE GARRIS, ANDREW GILLISPIE, JAMES L GOLDEN, WALTER GOLDEN, EUNICE GOLDSMITH, OSCAR GOODSON, MASSEY GOODWIN, JESSIE GOODWIN, MATTIE GRANGER, ALBERT GRANT, ROBERT GRANT, JR, MARY K GRANT, ARTHUR GREEN, HENRY GREEN, LONNIE GREEN, NAPOLEON GREEN, TRINITA GREEN, WILMA K GRIFFIN, DONNIE GUNTER, GAIL GUNTER, BRENDA GUYTON, ANDREW HAGLER, ELIZABETH HALL, LOUQUINIA HAMILTON, JAMES HAMLER, SHERRIAN HARDY, JERRY HARPER, GUS HARPER JR, JOHNITA HARRELL, ANNIE HARRIS, BARBARA HARRIS, BRENDA HARRIS, DENISE HARRIS, JOYCE HARRIS, SAMUEL HARRIS, SAMUEL HARRIS, VARILYN HARRIS, TERESA

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HARRIS, ARMELIA HARVILLE, ROSA LEE HATCHER, MARY HAWKINS, RUBY HATCHER, MCKINLEY HATCHER, BESSIE HATCHER, KAREN HEAD, VELESHA HEARD, TERRY W HENDERSON, EZIKIEL HENLEY, MARQUETTA HILL; WILLIE G HILL, DOROTHY HILL, JAMES HINES, SONNY HOLCOMB, PERRY HOLMES, CURTIS HOLT, CAROL HOLT, CAROL HOOD, CLARENCE HOOD, GWENDOLYN HOOD, GEORGE HOOD; MARY E HOOD, KYLE HORN, LASHAUN HORN, PHILLIP HOUSTON, CYNTHIA HUBBARD, EUNICE HUDSON, JAMES W HUDSON, LUCIOUS HUDSON, WILLA HUDSON; BILLIE HULSEY, MARY HUMPHREY, CARRIE JACKSON, GRIZZAL JACKSON, ROBERT L JACKSON, JR, OGE JEANJACQUES, WOODROW JENKINS, ROSE JENKINS AUDREY JOHNSON, CURTIS JOHNSON, CYNTHIA JOHNSON, HOWARD JOHNSON, PHYLLIS JOHNSON, SYLVIA JOHNSON, ORLANDERA JOHNSON, JR, HINTON JOHNSON, SR. EVA LEE JOHNSON, WILLIAM JOHNSON, SR, SYLVASHTI JOHNSON, JACQUELINE JOLLY ANTHONY JONES, BARBARA JONES; CLEO JONES, PAULA JONES, JODIE JONES, JR, O C JONES, JR. EARNEST JORDAN, JOHN KELLY, LAURA KENNEDY, MARK KENNEDY, JOHN KIDD, JAMES KING, MARGIE LEE KING, MARY D KING, CHERRY KING-SWINT; VALERIA KIRKLAND, JERALDINE KNIGHTON, SHERITA KNOX, TIMOTHY KNOX, HARVEY LANIER, LEWIS LANIER, PALMER LANIER, WILLIE LEE, ANTOINETTE LEE, SAMUEL LEO, BRENDA LEWIS, ERVIN LEWIS, FLOYD LEWIS, DELORIS LEWIS, SUSIE LEWIS, VONDA LEWIS, WILLIE C LEWIS, ELIZABETH LONG, WILLIS LOVE, JR, LAURSA LUCKEY, FREZELL MACK, LARRY MADISON, VICKIE MADISON, ANNE H MANNS, HENRY MARABLE, ADA MARABLE, DEBRA MARTIN, JOSEPH MARTIN, WILLIE MASON, DECIE MASON, TESA MASTON; JOSEPH MCCOY, GEORGE MCDONALD, HOWARD MCGHEE LARRY MCHEARD; ENRICO C MCINTOSH, HELEN MCLAUGHLIN; NATHANIEL MCNAIR, LEATRICE MCNEELY, VICKIE MCNEELY, JONATHAN MCPHERSON, ALBERT MCWILLIAMS, SARAH MCWILLIAMS, CAROL MEELHEIM, CLARENCE MERIWEATHER, ALICE MERIWEATHER, GEORGE MERIWEATHER, AMANDA MILLER, HAROLD MILLER, MARTHA MILLER, KAREN MILLER WILLIE BELL MILLER, YVETTE MILLER, CLINT MILLS, LULA MILLS, SANDRA MINTOR, CHARLES MITCHELL, MINNIE MITCHELL, GURLEAN MIXON, LILLIAN MOORE, BRENDA MOORE, SANDRA MOORE, SHIRLEY M MORRIS, STEPHEN MORRIS, SANDRA MORRIS, BEVERLY ANN MORROW; GLORIA MURRY ARTELIA MURRY, BRENDA MYRICK, LEONARD NELSON, QUEEN NELSON, THELMA NEWTON; DOROTHY NORWOOD, LARRY O BRIAN, GEORGE OWENS, THELMA OWENS, ALEX PARKER, EVANDA L PARKER, RUTHIE MAE PARKER, J C PARKS, EDWIN PATTERSON, FLORA E PATTERSON WILLIAM PAYNE; JANICE PAYNE; THERESA PAYNE EMMA PEOPLES JAMES PERDUE, JESSIE PERDUE, CLINTON PETERSON, WILMA HOLMES PETERSON, DEWAYNE PETTIS, HARDY PETTWAY, ELIZABETH PETTWAY, PEARL PETTWAY; SHIRLEY J PHILLIPS BERNICE PICKINGS, FELICIA PICKINGS ROSELYN PICKINGS, MARY PIPPEN, JAMES E POINDEXTER, MABLE POINDEXTER, WILLIE PORTER, FRANCIS PORTER, RUBEN PRATT, AGNES PRATT, SHARON PRINCE, ROBERT PRYOR VIRGIEN N PTOMEY MARILYN PYLES, QUEEN NELSON, MARY RAINEY; LAYMON RAMSEY, JAMES RANDOLPH, CLARENCE RAYBURN, SANDRA REMBERT, BOOKER REYNOLDS; SARAH RHODEN, BEULAH RHONE, WALTER RHONE, CASANDRA

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RIEDEL, MICHAEL RILEY, SUSIE RILEY, EARL ROBINS, DA-WANA ROBINSON, LAVERNE ROBINSON, MICHAEL ROBINSON, BESSIE ROBY, HENRY ROGERS, JO ELLA ROGERS, DAVID L ROGERS, TOBY RUSSELL, WILLIE C RUSSELL, GWENDOLYN SADLER, FRED SALTER, JOSEPH SAMUEL, CORA M WRENN SANDERS, EVELYN SANDERS, BETTY F SCOTT, ROBERT SCOTT, LYNETTE SCOTT, VANESSA SCOTT, TROSSIE SELLERS, SAMUEL SHADE, MELVINA SHELLY, MELVIN SHERIDAN, THOMAS J SHIMKUS, WALLACE SIMMONS, FRANKLIN SIMON, FREDDIE SIMPSON, HENRY SIMPSON, CORNELIA P SIMPSON, CHARLIE SIMS, GEORGE SIMS, EDNA SKIPWITH, VIOLA SMELLEY, BERNARD SMITH, DEBORAH SMITH, DURRELL SMITH, CINDY SMITH, FONZA SMITH, GEORGIA SMITH, HENRIETTA SMITH, HERMAN SMITH, JONATHAN SMITH, ROZELL SMITH, SANDRA PIGROM SMITH, THERESA SMITH, VIOLA SMITH, ROBERT J SMITH, TRILLA W SMITH, SANDRA SOLOMON, ROBERT SPEED, JACQUELINE SPENCE, MINNIE STANLEY, HELEN STEWART, MARIE STEWART, JAMES STRAIT, JAMES STRAIT, KATHRYN STRAIT, MARY STRINGER, PAULINE SULLIVAN, WAYNE TAYLOR, KYLE R TAYLOR, ALFRED TERRY, MURRY TERRY, ALFRED THOMAS, CHARLES THOMAS, MARY THOMAS, GENEVA THOMAS, ORA LEE THOMAS, WILLIE THOMAS, GLORIA THOMAS, SHERITA THOMAS, DEBORAH THRASH, ARTHUR THREADFORD, BESSIE M. TRUITT, EDWARD TRYOR, KENNETH TUCKER, GLENNIE BROWN TURNER, JIMMY LEE TURNER, MARGIE TURNER, ROBERT TURNER, CHARLES N ULMER, LINDA WALKER, STANLEY WALKER, WILLIE WALKER, JUDY WALKER, EUGENE WALKER, JR, REBA WALKER, AMELIA WALKER, KATHRYN WALLACE, REBECCA WALLACE, ELNORA WALTON, ATHEA WARD, SHIRLEY WARD, LORRAINE WARD-RYCE, AUDREY WATKINS, BARBARA WATKINS, BERNICE WATSON, DIRON J WATSON, VERONICA WATSON, JOHNNY WATTS, WILLIE J WATTS, ABBY WEBSTER, JOSEPHINE WEBSTER, MICHAEL WEEKS, JAMES WESTON, CLIDIE WHITE, FREDDIE WHITE, JO ANN WHITE, MATILDA WHITFIELD, THOMAS WHITFIELD, GLADIS WHITFIELD, BEVERLY WHITT, BRENDA WHITT, LYNDA B WHITT, DICIE ANN WILKERSON, ARTESIA FAYE WILLIAMS, BARBARA WILLIAMS, CAROLYN W WILLIAMS, EDWINA WILLIAMS, LENORA WILLIAMS, LORETTA WILLIAMS, LUCILLE WILLIAMS, MARY WILLIAMS, RICHARD WILLIAMS, PEARLIE WILLIAMS, JANICE WILLIS, GAIL MCNABB WILSON, JAMES W WILSON, BONITA WORMLEY, MICHEAL WRENN, CYNTHIA WRENN, EDWARD YARBROUGH, JOE YOUNG, MILDRED YOUNG, LORENA YOUNG, JAMES H ZINNERMAN, PERCY ZINNERMAN, ROOSEVELT ZINNERMAN, ALEX ZINNERMAN, JR, WILLIE ZINNERMAN, JR, DOUGLAS AVANT, BRENDA AVANT, SHIRLEY BATTLE, MARZETTA BENNETT, QUEEN BERRY, PETE BLACKSTONE, MARY BLACKSTONE, BOOKER BONE, TOMMY BOYD, DOUG BREWER, GLYNN BREWER, PHYLLIS BROWN, MOREAN BROWN, SOUTHERN BROWN, SANDRA BROWN, MITCHELL BROWN, FRANCHERY BURNS, LENA BURTON, DORIS BUTLER, MICHAEL CAMPBELL, CHARLES CARTER, JOHNNY CICERO, STEPHEN CLARK, JOHNNY COLLINS, KENNETH CRAWFORD, ANGELA CRAWFORD, ROSETTA CRENSHAW, SHIRLEY CROCKER, EDWARD DAVIS, ROBERT L DAVIS, YOLANDA DEBARDELEBEN, REGINALD DENSON, CLAUDETTE DENSON, HAROLD DUNCAN, DONNA EVANS, DONEL FONEY, LEONARD FORD, MARY RUTH FORD, SARAH

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GEORGE, WAYNE GILLAM, RUBEN GILLAM, LOIS GRAY, ROBERT T. GRAY, ALVIN GREEN, RICHARD HALE, JOHN HAMILTON, RONALD HARDY, HUGH HARDY, ELIZABETH HARRIS, TOMMY LEE HARVEY, SR., THERESA HATCHER, BARBARA HATTEN, JAMES HENDERSON, LYNN HILL, JEANETTA B. HILL, LILLIE MAE HOBSON, HENRY HOGAN, PATRICIA HOGAN, DELPHINE HOLLOWAY, THOMAS HUBBARD, CHERYL HUBBARD, MILLIE HUGHES, CARRIE HUGHES, TAMMY JAMES, MARY LEE JARMAN, BARBARA JOHNSON, JERRY LEE JOHNSON, NELSON JOHNSON, PINKIE JOHNSON, ROSALIND JOHNSON, MARY L. JONES, JEANETTE JONES, BRENDA JORDAN, WILLIE ANN KIDD, WILLIE JOE KIDD, MILTON KING, PEARLEEN KING, TAMARA KING, MILTON KING, THELMA LACEY, BEVERLY LANKFORD, R. C. LAWRENCE, JOHNNY LEE, TERRY MADISON, LANEY MADISON, VIRGINIA MADISON, MARIE W. MADISON, WILLIAM E. MADISON, CLARENCE MAHAN, LORENE MAHAN, ESSIE RAE MARSHALL, ROOSEVELT MCCLENDON, SUE MCCLENDON, JERRY MCFARLAND, JR., HENRIETTA MCFARLAND, FR., CHARLES MCGRAW, ELIZABETH MEANS, JOHN MEEHAN, DEBRA MEGGINSON, BESSIE MENETEE, BEVERLY MILNER, MARIHA L. MINES, DELORES MITCHELL, BERNADETTE MITCHELL, ALENE MITCHELL, DELAFAYETTE MOORE, ELVELINE MOORE, RASA LEE MOORE, WANDA MOORE, ALTA MOSELEY, WALTER MOULTRIE, YVONNE MOULTRIE, ROSIE MURPHY, ANNIE JOYCE MURRAY, BRENDA NICHOLS, JOHN OSBORNE, VIVIAN OSBORNE, RODDERICK PATTERSON, MIRANDA PAYNE, DONALD E. PENNY, PATRICIA PICKENS, MARY PITTMAN, ELIZABETH PROCTOR, ROBERT RAY, CYNTHIA RAY, ELDRIDGE RHYNES, ANTHONY RICHARDSON, ERIC RICHARDSON, JERRY RICHARDSON, CAROLYN RICHARDSON, CARLTON RICHARDSON, MOLLY RICHARDSON, WILLIE RUDOLPH, CAROLYN RUDOLPH, RUBY RUDOLPH, SUSIE RUFFIN, JAMES SANDERS, LYNBERG SANDERS, WILMA SANDLIN, SHEILA SARGENT, LONNIE MAE SAVAGE, ANNA SCROGGINS, RUFUS SHIELDS, MARLENE SHIELDS, ALTON SHIELDS, MARGARET SHORE, LEVI SIMS, EDWIN SMITH, ANTHONY SMITH, LISA SMITH, KENNETH SMITH, GREGORY SMITH, YVONNE SPENCER, LILLIAN STEVENSON, MACK TATE, THELMA TATE, CHARLES THOMAS, LOREEN THOMAS, ROBERT C. THOMAS, SR., MARY THOMPSON, MILDRED TRAMMELL, SHELBY TURNER, CHARLES P. ULMER, SARA VELASQUEZ, MARY EMMA WALKER, VALERIE WALKER, FREDERICK WALKER, NELLIE WALKER, SHEILAH WALLER, JIMMIE WATSON, LENA WESTBROOKS, BETTY WHITE, JIMMIE GREEN WHITT, JAMES P. WHITT, JR., CLARA WILLIAMS, TONDA WILLIAMS, SHEILA M. WILLIAMS, ANITA WINDHAM, LYDIA WRIGHT, ANN WYNN, CHERYL YARBROUGH, CHARLES YATES, BENJAMIN YOUNG, LEWIS YOUNG

Plaintiffs,

v

ABC ACQUISITION, INC., ALLIED SIGNAL, INC., BAILEY PVS OXIDES, LLC, BUTLER MANUFACTURING COMPANY, CERTAINTED CORPORATION, FRITZ ENTERPRISES, INC., HANNA STEEL CORPORATION, HONEYWELL

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INTERNATIONAL, INC., POLYMER COIL COATERS, UNITED STATES STEEL CORPORATION, VULCAN MATERIALS; WJ BULLOCK, INC., DEFENDANTS 1 THROUGH 20, entities who are doing business under the names of the named defendants, or under names that are similar to the names of the defendants, whose names are otherwise unknown to the plaintiffs and which will be properly named by amendment when their true names are ascertained, DEFENDANTS 21 THROUGH 40, entities who are discharging pollutants into the atmosphere near the plaintiffs' residences, as more fully appears in the Complaint, whose names are otherwise unknown to the plaintiffs and which will be properly named by amendment when their true names are ascertained, DEFENDANTS 41 THROUGH 60, entities who manufactured, refined, made, combined, formed or otherwise caused the existence of the substance which became airborne near the plaintiffs' residences or combined with other substances which became airborne and caused personal injury to the plaintiffs and/or to the plaintiffs' property, whose names are otherwise unknown to the plaintiffs and which will be properly named by amendment when their true names are ascertained; DEFENDANTS 61 THROUGH 80, entities, including insurance carriers, who inspected or were under a duty to inspect the premises of the insurance carriers, who inspected or were under a duty to inspect the premises of the defendants that are located near the plaintiffs' property, whose names are otherwise unknown to the plaintiffs and which will be properly named by amendment when their true names are ascertained; DEFENDANTS 81 THROUGH 100, entities who manufactured, serviced, sold, leased, or entered into any other type of transaction that resulted in pollution control equipment being placed on the premises of the defendants that are near the plaintiffs' property, whose names are otherwise unknown to the plaintiffs and which will be properly named by amendment when their true names are ascertained, DEFENDANTS 101 THROUGH 120, entities who planned construction or modification of the equipment for use in the operations of the defendants' businesses that are, or were, being operated near the plaintiffs' property or who owed a duty to plan for the construction or modification of such equipment and failed to do so, whose names are otherwise unknown to the plaintiffs and which will be properly named by amendment when their true names are ascertained,

Defendants

### COMPLAINT

### PARTIES

### PLAINTIFFS

1 The plaintiffs are natural persons believed to be over the age of nineteen (19) and residents of Jefferson County Alabama

2 The named defendants are identified more fully as follows

A ABC Acquisitions, Inc ("ABC") is a foreign corporation whose principal place of business is currently unknown to the Plaintiffs, but will be named by amendment when ascertained ABC does business by agent in Jefferson County, Alabama

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B Allied Signal, Inc. ("Allied") is a corporation whose place of incorporation and principal place of business is currently unknown to the Plaintiffs, but will be named by amendment when ascertained.

C Bailey PVS Oxides, LLC ("Bailey") is a foreign limited liability company whose principal place of business is in the State of Pennsylvania, but has an Alabama facility located at 830 Tin Mill Road, Fairfield, Alabama. Bailey does business by agent in the Bessemer Cut-Off of Jefferson County, Alabama.

D Butler Manufacturing Company ("Butler") is a foreign corporation whose principal place of business is in the State of Missouri but has an Alabama facility at 931 Avenue W, Pratt City, Alabama. Butler does business by agent in Jefferson County, Alabama.

E Certaineed Corporation ("Certaineed") is a foreign corporation whose principal place of business is in the State of Pennsylvania, but upon information and belief, has an Alabama facility. Upon information and belief, Certaineed does business by agent in Jefferson County, Alabama.

F Fritz Enterprises, Inc. ("Fritz") is a foreign corporation whose principal place of business is in the State of Pennsylvania, but Fritz has an Alabama facility located 6000 Tin Mill Road, Fairfield, Alabama. Fritz does business by agent in the Bessemer Cut-Off of Jefferson County, Alabama.

G Hanna Steel Corporation ("Hanna") is a domestic corporation organized under the laws of the State of Alabama whose principal place of business is in Fairfield, Jefferson County, Alabama. Hanna does business by agent in Jefferson County, Alabama.

H Honeywell International, Inc. ("Honeywell") is a foreign corporation whose principal place of business is in the State of New Jersey, but upon information and belief, has an Alabama facility. Upon information and belief, Honeywell does business by agent in Jefferson County, Alabama.

I Polymer Coil Coaters ("PCC") is a foreign corporation whose principal place of business, upon information and belief, is in the State of Delaware. PCC has an Alabama facility located at 7001 Allison Bonnett Memorial Drive, Fairfield, Alabama. PCC does business by agent in the Bessemer Cut-Off of Jefferson County, Alabama.

J United States Steel Corporation ("USS") is a foreign corporation whose principal place of business is in the State of Pennsylvania, but USS has an Alabama facility located at 5700 Valley Road, Fairfield, Alabama. USS does business by agent in the Bessemer Cut-off of Jefferson County, Alabama.

K W J Bullock, Inc. ("Bullock") is a foreign corporation whose principal place of business is in the State of Alabama. Bullock does business by agent in Jefferson County, Alabama.

L Vulcan Materials Company ("Vulcan") is a foreign corporation whose principal place of business is located in the State of Alabama. Vulcan does business in Jefferson County, Alabama.

3 The fictitious defendants are identified as follows:

A DEFENDANTS 1 through 20 are the correct names of the named defendants.

B DEFENDANTS 21 through 40 are entities who, jointly and severally, are discharging, have discharged, pollutants into the atmosphere near the residences of the plaintiffs.

C DEFENDANTS 41 through 60 are entities who, jointly and severally, manufactured, refined, combined, formed or otherwise caused the existence of substances that became airborne near the residences of the plaintiffs or combined with other substances that became airborne and/or caused injury to the plaintiffs and/or their property.

D DEFENDANTS 61 through 80 are entities, including insurance carriers, who jointly and severally inspected, or were under a duty to inspect, the premises of the defendants who are located near the residence of the plaintiffs.

E DEFENDANTS 81 through 100 are entities who, jointly and severally, manufacture(d), serviced, sold, leased or entered into any other type of transaction that resulted in pollution control equipment being placed on the premises of the defendants who are near the property of the plaintiffs.

F DEFENDANTS 101 through 120 are entities who, jointly and severally, planned construction or modification of the equipment for use in the operations of the defendants' businesses that are, or were, being operated near the plaintiffs' property, or who owed a duty to plan for the construction or modification of such equipment and failed to do so.

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4 Each defendant, both named and fictitious, jointly and severally, has discharged particulates or gases into the atmosphere, or has, jointly and severally, manufactured equipment that has, when operated by another defendant, or defendants, in a manner that was reasonably anticipated, or should have been reasonably anticipated, at the time the equipment was manufactured, has caused or contributed to cause, jointly and severally, particulates or gases to be discharged into the atmosphere, or has sold equipment in commerce that, when operated by another defendant, or defendants, in a manner that was reasonably anticipated, or should have been reasonably anticipated, at the time the equipment was manufactured, has caused or contributed to cause, jointly and severally, particulates to be discharged into the atmosphere, or was under a duty to design, or to review the design or equipment that is being used by one or more of the named defendants, whose operations are, or have discharged pollutants into the atmosphere, or has been under a duty to inspect the operations of one or more of the other defendants. Particulates or gases have been discharged into the atmosphere at facilities operated by the named defendants, or one or more of the fictitious defendants, which particulates and/or gases have traveled through the atmosphere and onto the plaintiffs' person and/or property.

5 The plaintiffs, as a proximate consequence of the acts of the defendants, or the failure of the defendants to act, have been caused to suffer the following injuries and damages: their property has been damaged and rendered less valuable; they have been caused to lose the use and enjoyment of their property; they will, in the future, be caused to lose the use and enjoyment of their property. The plaintiffs claim punitive damages.

### COUNT ONE

#### NEGLIGENCE

6 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein.

7 Defendants are, jointly and severally, guilty of negligence because, during their manufacturing process or the process that they have supervised and controlled, defendants negligently discharged particulates and/or gases and other harmful chemicals and/or pollutants into Jefferson County, Alabama, and into the air, soil, surface, water and/or ground water in, on and/or adjacent to the plaintiffs'.

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properties located in Jefferson County, Alabama, and into the plaintiffs' bodies and, because defendants have negligently or willfully allowed said substances to remain in said areas. As a result of this wrongful conduct, the defendants have breached their standard of due care to the plaintiffs and, as a direct and proximate result of defendants' negligence or willfulness, the plaintiffs' property values have been injured or damaged.

**WHEREFORE, PREMISES CONSIDERED,** the plaintiffs claim from the defendants, jointly and/or individually, compensatory damages, and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved as trial

### COUNT TWO

#### WANTONNESS

8 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

9 For many years, defendants have known, or should have known, of the seriousness and substantial damage to property by their pollution. Defendants have consciously and deliberately released these particulates and/or gases and have consciously and deliberately allowed these particulates and/or gases to remain in the waterways, air, soil, surface water and/or ground water with the full understanding of the dangers and consequences to the plaintiffs. Said conduct constitutes wantonness and said wanton conduct is a direct and proximate conduct and/or contributing cause of the damages and injuries sustained by the plaintiffs. The acts of the defendants are willful, wanton, illegal, fraudulent and/or negligent and done in gross disregard for the rights and properties of the plaintiffs, and as a result of these acts of the defendants, the plaintiffs are entitled to receive punitive damages. Defendants' conduct constitutes a pattern and practice of intentional wrongful conduct which also was committed with actual malice.

**WHEREFORE, PREMISES CONSIDERED,** the plaintiffs claim from defendants, jointly and/or individually, compensatory damages and punitive damages in such amount as the

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trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial

### COUNT THREE

#### BREACH OF DUTY TO WARN

10 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

11 Defendants have, jointly and severally, participated in the manufacture, creation, production or use of particulates and/or gases, other harmful chemicals, and other related chemicals and pollutants. Defendants have also participated in the release and dispersment of such particulates and/or gases and chemicals and/or pollutants into the air, soil, surface water and/or ground water in, on and/or adjacent to the plaintiffs' properties. Having created this hazard to the environment, the defendants have had a continuing duty to warn the plaintiffs of the inherent danger of the manufacture, creation, production, use, release and dispersment of said toxic chemicals. Defendants had superior knowledge as to the presence and risk of said particulates and/or gases, chemicals and/or other pollutants. Defendants' failure to warn the plaintiffs was and is negligent, willful, wanton and in gross disregard for the rights and property of the plaintiffs and is a violation of Ala. Code Sections 6-5-100 through 6-5-104. The plaintiffs relied on said misrepresentation and concealment to their detriment. The fraud, misrepresentation and deceit of the defendants is a direct and proximate cause of the injuries and damages to the plaintiffs as alleged above.

WHEREFORE, PREMISES CONSIDERED the plaintiffs claim from the defendants, jointly and/or individually, compensatory damages and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial

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COUNT FOUR

FRAUD, MISREPRESENTATION AND DECEIT

12 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

13 The acts of defendants in misrepresenting the presence of particulates and/or gases and/or other harmful chemicals, and their release, dispersment and presence into the air, soil, surface water and/or ground water in, on and/or adjacent to the plaintiffs' properties, as well as the defendants' false statements to the plaintiffs and/or the general public and the defendants' concealment from the plaintiffs and/or the general public as more specifically alleged above constitute fraud, misrepresentation and deceit both actual and concealed in violation of Ala Code Section 6-5-100 through 6-5-104. The plaintiffs relied on said misrepresentation and concealment to their detriment. The fraud, misrepresentation and deceit of the defendants is a direct and proximate cause of the injuries and damages to the plaintiffs as alleged above.

WHEREFORE, PREMISES CONSIDERED, the plaintiffs claim from the defendants, jointly and/or individually, compensatory damages and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial.

COUNT FIVE

NUISANCE

14 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein.

15 Defendants are liable to the plaintiffs for callously, intentionally, wrongfully and illegally creating in the air, soil, surface water and/or ground water, or and/or adjacent to the plaintiffs' properties, a private and public nuisance to the plaintiffs' rights of use and enjoyment of their properties, thereby damaging the plaintiffs, the plaintiffs' real and personal properties, the plaintiffs' natural environment. Said actions by the defendants are the direct and proximate cause of injuries and damages to the plaintiffs.

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**WHEREFORE, PREMISES CONSIDERED**, the plaintiffs claim from the defendants, jointly and/or individually, compensatory damages and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiff may be justly entitled to receive, said damages to be more specifically proved at trial

**COUNT SIX**

**TRESPASS**

16 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

17 Defendants have, jointly and severally, intentionally and continuously, until the present date, committed trespass to the plaintiffs' rights and properties by releasing and dispersing particulates and/or gases, and/or toxic substances and pollutants into the air, soil, surface water and/or ground water in, on or adjacent to the plaintiffs' properties. Each trespass and each discharge by defendants was in wanton disregard of and with reckless indifference to the rights of the plaintiffs without legal excuse or justification. Defendants' trespass is a direct, immediate and proximate cause of injuries and damages to the plaintiffs

**WHEREFORE, PREMISES CONSIDERED**, the plaintiffs claim from the defendants, jointly and/or individually, compensatory damages and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs, and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial

**COUNT SEVEN**

**OUTRAGE**

18 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

19 Defendants have, jointly and severally committed the tort of outrage, proximately injuring the plaintiffs' property by manufacturing, producing, creating, using, releasing and dispersing particulates and/or gases and other toxic substances and pollutants into the air, soil, surface water and/or ground water in, on and/or adjacent to the plaintiffs' properties located in

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Jefferson County, Alabama, by allowing those pollutants to remain in said areas. Said conduct by defendants is beyond all bounds of human and corporate decency, is intolerable in this community and throughout our society, and is a direct and proximate cause of the plaintiffs' injuries and damages.

**WHEREFORE, PREMISES CONSIDERED,** the plaintiffs claim from the defendants, jointly and/or individually, compensatory damages and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial.

#### COUNT EIGHT

#### COMMON LAW STRICT LIABILITY

20. Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein.

21. By manufacturing, producing, creating, using, releasing, and dispersing particulates and/or gases, toxic substances and pollutants into the air, soil, surface water and/or ground water in, on and/or adjacent to the plaintiffs' properties and by allowing those pollutants to remain in said areas, the defendants have jointly and severally, engaged in abnormally dangerous, ultra hazardous and inherently or intrinsically dangerous activities for which they are strictly liable to the plaintiffs for their loss of property value. Said conduct is a direct and proximate cause of injuries and damages to the plaintiffs.

**WHEREFORE, PREMISES CONSIDERED,** the plaintiffs claim from the defendants, jointly and/or individually, other compensatory damages and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial.

**COUNT NINE**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

26 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

27 Defendants have, jointly and severally, negligently inflicted emotional distress upon the plaintiffs by releasing and dispersing particulates and/or gases, and/or toxic substances and pollutants into the air, soil, surface water and /or ground water in, on and/or adjacent to the plaintiffs' properties, and by allowing those pollutants to remain in said areas without advising the plaintiffs of the serious property damage imposed thereby. Said conduct on the part of the defendants has caused extreme emotional distress and mental anguish on the part of the plaintiffs and is a direct and proximate cause of injuries and damages to the plaintiffs

WHEREFORE, PREMISES CONSIDERED, the plaintiffs claim from the defendants, jointly and/or individually, other compensatory damage and punitive damages in such amount as the trier of fact deems appropriate together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial

**COUNT TEN**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

28 Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

29 Defendants have jointly and severally, intentionally inflicted emotional distress upon the plaintiffs by knowingly and willfully manufacturing, creating, producing, using, releasing and dispersing particulates and/or gases and/or toxic substances and pollutants into the air, soil, surface water and/or ground water in, on and/or adjacent to the plaintiffs' properties, and by knowingly and willfully allowing those pollutants to remain in said areas without advising the plaintiffs of the serious property damage imposed thereby. Said conduct on the part of the defendants has caused extreme emotional distress and mental anguish on the part of the plaintiffs and is a direct and proximate cause of injuries and damages to the plaintiffs

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**WHEREFORE, PREMISES CONSIDERED**, the plaintiffs claim from the defendants, jointly and/or individually, compensatory damages and punitive damages in such amount as the trier of fact deems appropriate, together with interest, attorney fees, costs and such other relief to which the plaintiffs may be justly entitled to receive, said damages to be more specifically proved at trial

**COUNT ELEVEN**

**PERMANENT INJUNCTION**

30. Plaintiffs incorporate herein by reference all paragraphs above, as if fully restated herein

31. The wrongful acts and conduct of defendants, as alleged herein, have and will continue to cause irreparable harm to the plaintiffs for which there is no adequate remedy other than a permanent injunction prohibiting such conduct by defendants and requiring defendants to completely remove and otherwise clean up the particulates and/or gases and other toxins and pollutants which defendants have released and dispersed into the soil, surface water and/or ground water in on and/or adjacent to the plaintiffs' properties

**WHEREFORE, PREMISES CONSIDERED** plaintiffs hereby request that this Court enter an order permanently enjoining defendants from releasing and/or otherwise dispersing said particulates and/or gases and other toxins and pollutants into said areas and requiring defendants to immediately remove and otherwise clean up and remove said previously released and dispersed particulates and/or gases and other toxins and pollutants which remain in said areas

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**JURY DEMAND**

Plaintiffs demand a trial by jury of all issues triable of right by a jury.

  
PETER G. ADAMS

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of November 2006, I served a copy of the above and foregoing upon the following attorneys by

Hand deliver a copy of same,

Facsimile transmission,

Placing a copy of same in the United States Mail properly addressed and first class postage prepaid,

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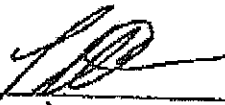
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